

REMARKS / ARGUMENTS

In response to the Office Action mailed January 9, 2008, the Examiner's claim rejections have been considered. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejections – 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 153-171 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 157 and 167 have been canceled without prejudice, thereby rendering the rejection moot. Applicants respectfully traverse the rejection.

In view of advancing prosecution of the pending application, independent claims 153 and 162 have been amended to comply with the written description requirement. Additionally, Applicants respectfully submit that dependent claims 154-156, 158-160, 162-166, and 168-171 now also comply with the written description requirement. Applicants submit that claims 153-156, 158-166, and 168-171 as presented in the amendment conform to all applicable requirements under 35 U.S.C. §112 and respectfully request that the rejections be withdrawn.

2. Claim Rejections – 35 U.S.C. § 103(a)

The Examiner has rejected claims 153-155, 157-165 and 167-171 under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 6,227,972) in view of Kamille (U.S. Patent No. 5,931,467). Claims 157 and 167 have been canceled without prejudice, thereby rendering the rejection moot as to those claims. Applicants respectfully traverse the rejection regarding the remainder of the claims. For the sake of brevity, the rejections of the independent claims 153 and 162 are discussed in detail on the understanding that the dependent claims are also patentably distinct over the cited reference, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate and independent bases for patentability.

Applicants respectfully submit that Walker and Kamille do not render the claimed invention obvious because these references, either alone or in combination, fail to disclose “a promotional award having no cash or game credit value that adds one or more game features thereby altering a base game into an enhanced game.” Rather, Walker merely discloses that the expiring prepaid casino card can provide additional play of games. Applicants respectfully submit that providing a player with additional opportunities to play the same game is not the same as receiving a promotional award (having no cash or game credit value) that reconfigures a base game into an enhanced game by providing additional game features such as additional pay lines to the game, additional winning indicia for the game, or as a secondary game trigger. In contrast, Walker ‘972 merely discloses that the initial game may be played multiple times with the same game features.

Furthermore, Applicants respectfully submit that Kamille does not make up for the deficiencies of Walker. Kamille discloses a base game having an insurance option. Otherwise stated, the insurance option is a native feature of the base game and is always available to the player. Additionally, Kamille does not disclose that the base game can be reconfigured into an enhanced game with additional features.

In conclusion, Applicants respectfully submit that the 35 U.S.C. §103(a) rejection of claims 153-155, 157-165 and 167-171 have been overcome.

3. Claim Rejections – 35 U.S.C. § 103(a)

The Examiner has rejected claims 156 and 166 under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 6,227,972) in view of Kamille (U.S. Patent No. 5,931,467), as applied to claims 153 and 162 above, and further in view of Walker et al. (U.S. Patent No. 6,364,765).

Applicants note that claims 156 and 166 are dependent claims that depend from independent claims 153 and 162, respectively. In light of the arguments submitted in Section 2 of this response, Applicants respectfully submit that dependent claims 156 and 166 are not obvious in view of the combination of Walker ‘467, Kamille, and Walker ‘765 because these

references, alone or in combination, fail to teach or suggest all the claimed limitations.

Moreover, these dependent claims further recite and define the claimed invention, and thus, are independently patentable. In conclusion, Applicants respectfully submit that the 35 U.S.C. §103(a) rejection of claims 156 and 166 have been overcome.

CONCLUSION


Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of all of claims 153-156, 158-166, and 168-171 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

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